CRITICISMS ON ELLIOT DANFORTH.

THE ASSISTANT TREASURER CHARGED WITH FAVORITISM TO SPECIAL BANKS.

Albany, Oct. 28 (Special).-Elliof Danforth, the Deputy State Treasurer and the Democratic candi date for State Treasurer, seems to think that he has already assumed the latter office; for the official statement of the balances of the State Treasury in the State deposit banks just printed in "The Albany Argus," the State paper, bears his signature. That balance is interesting in many ways. Looked at in one, it is seen that Mr. Danforth has scattered the State's money among an unusually large number of banks, which excites the suspicion that he is planning to receive contributions from banks in aid of his political canvass. Looked at in another, some persons believe they see that Mr. Danforth, at the request of prominent Democratic politicians, has put the State money in banks in which they are pecuniarily interested, or in which

friends of theirs are interested. There can be no question that Mr. Danforth has scattered the State's money about the State with a prodigal hand. He has divided the State's deposits among-fifty-two banks. The State on October 1 had balances in these banks amounting to the large sum of \$5,420,811 37. That seems a surprisingly large sum to be lying idle; virtually idle, because the State only obtains the nominal interest of 2 per cent for money. A certain proportion of the deposits also pays no interest. One bank alone holds \$1,249,243 91, and pays interest upon only \$500,000 of this amount, on the plea that, as the entire sum is subject to be drawn out of its possession in a day by checks of the State Treausurer, it does not dare to loan it out to other banks. But every banker knows that the operations of the State Treasurer are regular and can be foreseen; and that not a penny of the State's money is permitted to lie idle a day in Albany, when there is an active demand for it constantly the New-York money market. Such a large fund as \$5,420,811 37 at this time in the State's banks also he tends to excite the suspicion that Mr. Danforth is coddling certain banks for political effect. interesting to contrast the amount of money

in the State banks four years ago at this time with the amount in the present year. On October 1, 1885, the State deposits amounted to only \$2,228,880 59. This rear on October 1 they amounted to \$5,420,811 37. Why s increase? Does Mr. Danforth intend to keep this vast sum in the banks until after election and thus secure the favor of certain banks for himself? It is generally believed in political circles that the present State Treasurer, Lawrence J. Fitzgerald, had a large proportion of his campaign expenses paid by the State banks in 1887. Of course the banks "confributed" this amount toward Mr. Fitzgerald's ex-It could not possibly have been a forced contribution, paid under penalty of the State's valuable deposits being withdrawn.

Does Mr. Danforth expect to receive a large "con-

from the banks toward his campaign exoses? Certainly there can be no question about his receiving a "contribution" from the First National Bank of Bainbridge, Chenango County, of which his father-in-law, G. Prince, is the president. That bank on October 1 had \$20,699 57 of the State's money. or can there be much doubt that the Manufacturers of Troy, of which Ed-Murchy, jr., chairman of the Demo-State Committee, is vice-president, intribute" toward Mr. Danforth's expenses in view of the fact that it holds \$79,358 17 of the State's money at present. Surely also State Treasurer Fitzgerald will take pains to secure "contributions" for Mr. Danforth from the two banks in Cortland, the Second National and the National Bank of Cortland, which possess State deposits amounting to \$42,255 87. Mr. Fitzgerald lives in Cortland, so it will be easy for him to see about this bush there is the German-American Bank of Rochester, which holds \$51,187 50 of the State's money. Frederick Cook, the Democratic Secretary of State, is president of that bank. Surely Mr. Danforth can rely upon a "contribution" from that quarter. Denis O'Br'en, of Watertown, the Democratic candidate for

Mr. Danforth recently discovered at the Democratic Mr. Danforth that he did not please every one when he distributed the State's funds. Some of the banks complained that Mr. Danforth had shown favoritism in dividing the money. The chief complainant was the National Commercial Bank of this city, which said that at the request of a personal friend Mr. Danforth had sent \$150,000 of the School Fund money to the Merchants' National Bank of this city. The directors of the National said that for many years they had had charge of the School Fund, and that its possession was the sole recompense they had for taking care of a good deal of the State's money at a dead loss. Mr. Danforth's nomination was opposed at the Convention because of the sale red favoritism to banks. A correspondent of "The New York Sun" obtained from Mr. Danforth the following statement regarding the National Bank alfair: "I said to Mr. Fitzgerald, the Treasurer, that if he could do so it would please me to have him make some small deposit with the Merchants' National Bank of Albany. I supposed he rought, if he thought best deposit some of the canal funds, but he transferred \$150,000 of the School Fund from the Commercial Bank to the Merchants' Bank who felt themselves deprived of what usage had established as their right. That is all there is to it." Mr. Danforth was nominated, but the Incident did not please many of the delegates to the Convention.

NOT ROUSING THE REPUBLICAN FARMER. GOVERNOR HILL'S PLAN OF CAMPAIGN OF

Olean, N. Y., Oct. 28 (Special),-Governor Hill seems to have selected certain Security and Assembly districts in which to make a contest with the Republican party for the possession of the Legislature. Three of the Senate districts which he is contesting-the Utica, the Rochester and the Buffalo districtsare along the line of the Eric Canal, and it may be added that he hopes to gain an Assembly district in each one of these Senate districts. Then there are six Assembly districts in the southern tier of counties blymen, namely, the eastern district of Cattaraugus district of Steuben County, the Schuyler County dis-trict, the Delaware County district and one in Sullivan County. They are all represented by Repub-licans at present, and to the ordinary view of poli ticians in the remainder of the State it would be deemed a preposterous idea on the part of the Govthem. Yet this is such a quiet election, there is such absence of excitement among voters, that the Gov ernor evidently thinks that by a still hunt he can carry some of the districts flamed. It may be said at once that it will be impossible for him to carry Allegany County, and in the other counties he has

There are all the signs, however, in every one of the districts named that Mr. Hill is making a de-termined effort to elect the Democratic candidate for Assemblyman. Here in Olean, which is one of the towns of the eastern and 1st Assembly District of Cattaraugus County, his plans are obvious. The Democrats have nominated Marcus B. Lewell Jewell, a lawyer of this place. Jewell, doubtless under orders from Governor Hill. is making his canvass almost wholly in the towns of the district. Every politician knows that three-fourths of the Democrate of the district live in the towns. It is therefore easy to get them to the polls on election day; but the Republican farmer is apt to live four or five miles from the polls, and, therefore, if there should be a rainy day, or there has been a listless campaign, he may remain at home and not vote. Evidently the Democrats are making their campaign solely with a view of getting the town vote to the solls, and are careful to avoid rousing the Republican

to-day says that Deputy Attorney-General Hogan has been there for several days past collecting money in the departments for the use of the Democratic State Committee. Every clerk in the office of the Attorney-General, the Controller, the Governor, the Secretary of State, the State Treasurer, the State Engineer—in fact, every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department in the big Capitol—has had to pay every department of the sum collected is a large one. Added to this is the money collected from the liquor-dealers by the Governor. It will make a big "boodle fund" for use at the poils on election day. The prominent Democrats here boast that they will have some of that money to expend here on election day to elect Jewell as an Assemblyman.

POLITICS IN ERIE COUNTY.

A HOPEFUL REPUBLICAN OUTLOOK

THE SENATE DISTRICT SAFE-ONE ASSEMBLY-

MAN MAY BE GAINED.

Buffalo, N. Y., Oct. 27 (Special) .- O. G. Warren, proprietor of "The Buffalo Commercial" and a member of the Republican State Committee, said to-day when asked concerning the probable result of the election in this county of Erie: "We shall re-elect Senator Laughlin. he Republican candidate, by a good majority, and at least two of our five candidates for Assemblymen. Possibly we may elect three Assemblymen, for there seems a likelihood of Henry W. Brendell defeating Assembly man Matthias Endrees, Democrat, in the Hd Assembly District. Then Joseph Slattery, our candidate for Assemblyman in the 1st District, is pushing hard Assemblyman William F. Sheehan, who so long has been the Democratic leader in the Assembly. People therefore should not be astonished in the East if on election night there comes a telegraphic dispatch from Eric County saying that the Republicans have elected a Senator and four Assemblymen in that county. We are having a hard fight over the Mayoralty. Our candidate, James H. Carmichael, is opposed by some bolters. There never was a more causeless bolt. Mr. Carmichael is a man of the strictest integrity and has shown his ability as a public officer. He was City Treasurer of Buffalo for several years, and therefore we know that he is a competent man. Two year so highly was he thought of was the Republican candidate State Treasurer and the newspaper organ of the bolters then supported him heartly. It then thought he was a fit man to handle the twelve millions of dollars which pass through the State Treasury annually. Now it argues that he should not be elected Mayor of Buffalo. But nevertheless the Republicans of Buffalo will elect him."

The Republican candidates for Assemblymen' whose election is assured are Assemblymen Leroy Andrus, in the HId District, which is solely within the limits of Buffalo, and William B. Currier, of Colden. in the IVth District, which is composed of country As already stated, Henry W. Brendel, Repub-Hean, has a good chance of defeating Matthias Endrees Democrat, in the IId District. There is a general desire for a reform charter for Buffalo. A bill containing such a charter was defeated largely through the efforts of Mr. Endrees at the last session of the Legislature. Mr. Brendell has championed charter reform, and his position has been approved by a large number of the German taxpayers of the district. It looks as if Assemblyman Guenther, Democrat. would be re-elected in the IVth District.

William F. Sheehan, of Assembly celling fame, t working hard to re-elect himself. His political future depends on this election, for Governor Hill has promised to make him Speaker of the Assembly if that body should happen to be Democratic. But Mr. Sheehan especially desires a vindication as a member of the Assembly Celling Committee. He is the only member of that notorious committee that has been renominated. One after the other, Fremont Cole, Frank J. Enz. William H. Gallup and George s. Weed have been rethred to private life. Mr. Sheehan's law partner, Charles F. Tabor, the Demo-cratic candidate for Attorney-General, is also smirched by the ceiling scandal, so that Mr. Sheehan feels that the times are indeed troublous ones, Mr. Tabor has been here recently seeking to get votes, but finds his record in the celling matter a serious obstacle, and he has returned to Albany. Meanwhile Mr. Sheehan nightly and daily walks through his president of that bank. Surely Mr. Danforth can rely upon a "contribution" from that quarter. Deals of the Court of Appeals, should interest himself and get contributions from the two banks in water town that hold State funds. Elward Wemple, of Pullonville, the Democratic candidate for Controller, may be expected to persuade the Fultonville National Fank to "contribute" something toward Mr. Danforth's expenses. Cannot also Charles F. Tabor, of Buffalo, the Democratic candidate for Attorney-General, obtain something for Mr. Danforth's expenses. Cannot also Charles F. Tabor, of Buffalo, the Democratic candidate for Attorney-General, obtain something for Mr. Danforth's favor with the two banks in Buffalo which have State money? Smith Mr. Danforth's favor with the two banks in that place which have the State's money.

It has been said above that Mr. Danforth that in place which have the State's money.

It has been said above that Mr. Danforth that in place which have the State's money. It has been additional banks. In 1835 there were twenty-four banks which received the State's money keeping Mr. Sheehan's law and in this way reviral in the place of the politicians of 2 thany that this increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such banks has been made increase of the number of such Assembly district. The voters have heard of Mr. Sheehan's conduct in the ceiling matter and are not

A CLERGYMAN FOR BALLOT REFORM.

THOUGH A PROBLETIONIST. HE URGES SUP PORT OF ASSEMBLYMAN D. M. KANE.

The Rev. J. Ward Gamble, of Milltown, N. J. has out as an advocate of the re-election of Assemblyman D. M. Kane, the ballot reform candidate, who is contesting the IIId District against the Democrats. Mr. Gamble is a Methodist minister, who has heretofore been prominent as a Prohibitionist. The Hid District has a strong Prohibition vote, and the temperance men put a regular nominee, J. R. Sperling, of South question has come prominently forward because of Kane's rejection by the Democrats, and his subsequent Mr. Gamble, who was active in placing Sperling in combustion, now issues a card to the Prohibitionists and throw their strength to Kane. He argues that ballot reform is one of the first questions before the people, and that where the regular candidates stand on opposite sides on the question, as in the Ilid District, it is the duty of all good citizens to throw District, it is the duty of all good citzens to torow aside all party feeling and support the candidate who stands for the reform. He says that a pure ballot, such as the Australian system would give, would help Prohibitionists tremendously in a moral fight, such as theirs is, and that the Prohibitionists have everything to gain in helping to secure a system which will do away with corruption at the polis. "Let us get ballot reform first," be says, "and then devote ourselves to getting prohibition, meanwhile contenting ourselves with showing our increasing strength by polling a solid vote on the general Prohibition ticket."

The Republicans, who have indorsed Kane, are of course pleased to get the minister's support, but they are inclined to smile at his argument. "It carried to its logical conclusion," said one of them yesterday, "It is an argument against any separate action by Prohibitionists: for if in this case they should vote for the candidate whose election would help them, why should they not in every case support the man who of two, will do most for them! The Democrats in this state have shown that they will do nothing toward the supports which will do something for temperance and by supporting that party give it the opportunity and encourage it to make further temperance reforms as public sentiment will support such action?" aside all party feeling and support the candidate

#### A MISTAKE ABOUT MR. NEWBURGER. "The World" gave space yesterday to a communi-

cation from a person signing himself "Citizen," who wanted to know why that paper did not "pitch into of the City Courts, for his connection with the Washington Market frauds and scandals which led to the absconding of McAdam." The first mistake noticed in this communication is the way in which "The World's allows the writer to spell Mr. Newburger's Another mistake "Citizen" makes is as easily cor-

rected as the first. Mr. Newburger appeared before the Controller in the capacity of a lawyer to plead for a client who wanted a stand in the new market. For polis, and are careful to avoid rousing the Republican farmer. This seems to be their plan of campaign throughout the State. The Republican candidate for Asemblyman in this district is Burr B. Lewis, of readom. He is a cheese-buyer and has a large and out in the investigation out in the investigation he telegraphed to the Commissioners of Accounts that he would immediately return and supervisor, and was a popular member of the Board.

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This exquisite perfume is made from the true violets. In the past the high price of the genuine violet perfume has prevented many from indulging in this luxury, but the price of this article makes it a necessity to those who love the flower. The remembrance of the The cheap imitations of violet water and extracts should not prevent all lovers of violets from trying this delicious perfume.

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PROPRIETORS AND MANUFACTURERS,

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"BOSS" HERRICK AND HIS PALS, GLIMPSES OF A MAN THE GOVERNOR DOESN'T LIKE.

HIS METHODS OF RUNNING THE AFFAIRS OF ALBANY-NOTHING TRUSTED TO CHANCE,

BUT ALL TO ORGANIZED FRAUD.

[FROM A STAFF CORRESPONDENT OF THE TRIBUNE.]

Albany, Oct. 27.-It is strange that while Governor Hill's power is supreme in places remote from the Capital, in the affairs of Albany itself he is practically a cipher. The strength of the opposition which has developed here under his very nose is, in fact, causing him much concern. And his opponent is no blundering tyre, imbued with an honest desire to serve the people, but a politician mere miroit and crafty than himself, more coldly in earnest, more reckless of the ordinary considerations of friendship and gratitude, and more intent on the annihilation of everybody and everything that stands in his way. Cady Herrick, the notorious "boss," is the worthy in question. He owes his power originally to Daniel Manning, and irreidentally to his own treachery to that leader. When Mr. Manning went to Washington as Mr. Cleveland's Secretary of the Treasury, Mr. Herrick took charge of the Democrafic General Committee. He at once surrounded himself with his own instruments, and on Mr. Manning's death was thus placed in full control of a machine of his own creation. His principal rival within the party was Edward F. Meegan, an old friend of Mayor Nolan, whose political death-warrant was issued by Governor Tilden when he refused to recognize the so-called "Ku-Klux" organization, of which Meegan was leader. Ectween Meegan and Herrick the feud has been bitter and deadly. Meegan early allied himself with Governor Hill, and no doubt anticipated great profit from the con against Herrick. But Herrick has so far proved more than a match for them both. For years he has run this city to suit himself. His control of the machine is absolute. He has possessed every official from the Mayor down. There is no fraud on the people that his creatures are not in a position to perpetuate with impunity, and no outrage which they are not ready to do at his bidding.

Personally Mr. Herrick is not unattractive, is tall and slender, with gray hair, gray mustache, and large, thoughtful gray eyes. His manner is quiet and self-contained, his speech is slow and words are all well weighed. He has none of the small weaknesses or enthusiasms that so often undo other aspirants for power. He is not a bachelor, like Governor Hill, but he has no passion for society, no passion for cards, no passion for fast horses, no passion other than to drill others to carry out his mandates and to slaughter them the instant they attempt to In spite of the detractions of his adversaries, he nesses that actuate some "bosses" have no place in his composition. Though his henchmen are continually stealing elections, nobody believes he would countenance small pilferings, and this astonishing rectitude excites the awe of the venal beings who By his own direction Mayor Mabar appointed him Corporation Counsel. His present aim is ostensibly directed toward a seat on the Supreme Cleveland's renomination, in which event his position would become that of a dictator with ex-

Herrick's right hand man is "Matt." Delehanty. the clerk of the Common Council. Mr. Delchanty has been an office-holder since 1856, and is known among local politicians as the "marrow-fat man," from his marrow-fats," which were sometimes in the bast surreptitiously folded between the ordinary ballots, so as to increase the number of votes cast at an election. His salary is only \$3,000 a year, but his interest in sundry contracts and franchises has rendered him, practically independent. The capitalist of the machine A. N. Brady, who was well known some years ago to frequenters of the Delavan House bar, where he acquired a merited reputation as a concoctor of mixed drinks. He subsequently launched out into the tea business, and having secured through Delehanty's in-fluence some profitable almshouse contracts, he conceived the idea of becoming a full-fledged politician. A crushing defeat in a race for the County Treasure by an appointment on the Fire Commission, and re-tained the office until just before the Commission was "investigated" by the "Committee of Thirteen." Brady diesses well, is particularly polite and affable In speech, and would be picked out in any company as a patient of respectability. His opposite is John P. Masterson, the athlete of the reachine, a person of truculent manners and ponderous physique, who polices the door at conventions, sees the "boys," and makes himself generally useful in the heavy work of the

How do the Democratic rank and file stand toward this classic quartette? It is putting it mildly to say they regard them with fear and trembling. The least show of independence insures their ruin. Even-John McEwen, the unhappy being who had charge of the penitentiary at the time of the revolting candals, was made to walk the plank as soon as his resent County Cierk, has been "knifed," because he was not sufficiently tractable in the hands of the "boss." William H. Clute, long a police justice, was thrown over last year because he had acquired universal esteem for independence and integrity. is H. Woods, the present Surrogate and one of the most justly popular Democrats in the county, who recently part of the county not desired by the machine, has shared the same fate; and of the infatuated group who are now clinging to Mr. Herrick's coat tails, there is not one that will not be similarly treated the moment occasion demands, no matter what his past services may have been or how urgent are his claims to consideration.

ervices may have been or how urgent are his claims of consideration.

Norton Chase heads the ticket which Mr. Herrick strying to force down the throats of the voters. It Chase, who nonimated Mayor Mahar in opposition to Mr. Wemple at the Syracuse Convention, the engaging youth on whose behalf the Nith District transfs were perpertated when he ran against senator Russell two years ago. Stories about the interest which certain tailors and necklie venders felt in his candidacy have not yet died away. In the Assembly he was a nonentity. The only distinction he earned was the unequiable one of voting against bills designed to benefit the city. The plea that this was due to his ignorance and inexperience is probably a legitimate one, but it is fraught with significance to those who understand that through him Herrick expects to control all the legislation affecting the city.

Mattin D. Conway, the candidate for Surrogate, is a Herrick man, who became dissatisfied at not receiving any office and so secoded to elegan. He joined the Committee of Three Hundred, put his brother in nomination for police justice, and secured him a very large vote. Herrick, deeming it expedient to win him back, made Conway himself a police justice. Conway thereupon decided that he was cut out for a judicial career, and so wormed himself into Surrogate Woods's considence, with the result that Woods has been "dumped" to make room for him. This amiable person's legal standing and his standing in the party are illustrated by the fact that in his capacity of police justice he recently decided, in the interest of the machine, that the Frimacy Election law is unconstitutional, and that the General Torm in New-York City Judge is celebrated chiefly for his bolsterous manner with witnesses and his general boorlahness in corri. He is a chronic office-secker attends every judicial convention that has anything to bestow, and has figured more than once as a "stump" candidate when the party refused to listen to his importanties. He is as unpopular as his opponent, Judge Nort, is the reverse, and while those who don't know him may be city. Conway, the candidate for Surrogate

wheedled into giving him votes, it is certain that those who do will studiously shun him.

With such a ticket and such men in charge of the canvass, it is no wonder that the party organs are lifting pathetic appeals for "energy in place of harmony." Organized fraud is depended on by the "gang" to pull them through. But Mr. Hill's friends have not forgotten that since Herrick's course has been consistently treacherous and hostile. They have never forgiven him for listening to Hill's overtures toward a reconcillation and then remorselessly trading on his confidence. His denunciation of Wemple at Syracuse has intensified the ancient grudge; and so, from motives of revenge, a large contingent of the Democratic party will work in line with the Republicans at the coming election to overthrow this insolent tyranny.

### CUTTING DOWN EXPENSES.

WORK OF THE BOARD OF ESTIMATE:

THE SCHOOLS TREATED WITH A MORE LIBERAL HAND THAN THE FIREMEN.

The Poard of Estimate considered the preliminary Fire Department and the Board of Education. The Fire Board's figures were presented by President Henry D. Purroy, Secretary Carl Jussen and Chief They footed up \$2,360,492 50, an increase of \$224,449 50 over 1889, when the Fire Department allowance was fixed at \$2,136,043. When Mayor Grant and the Board of Estimate got through with the Commissioners' requests they found that instead of getting an increase the sum of \$22,000 had been scaled off from the allowances of last year. The items are practically what they were last The different

Headquarters pay-roll.
Chief of department and assistants.
Salaties of rank and file v floating engine (additional).... eau of Combustibles. The Board of Education was represented by Presi

ent J. Edward Simmons. Last year the sum allowed for the School Department was \$4,079,008 86. For 1890 Mr. Simmons's figures aggregated \$4.546,847. The Mayor and the other members of the Board of Estimate recognized the fact that the cause of educaappropriation, and white determined to keep the allotments down to an economical figure, the public school department was not the place for the remorseless ap-plication of the pruning knife. The result was an ase over the appropriation of 1889, the total provisional allowance being \$4,232.617. The first item submitted by Mr. Simmons was \$3,100,317 to pay 3.791 teachers, against \$2,868,938 allowed last year for that purpose. Mayor Grant, in commenting upon

Bench, and Governor Hill has delighted in halking | Department, said: "I am perfectly willing to vote | this modest ambition. But he is really counting on every dollar necessary for the proper instruction of Cheate.

orcement truant law 13,290
tical school 27,560
s., maps, slates, etc. 175,000
cs, temperary 50,000
us, and alterations 233,560
cirls and alterations 233,560
mioul schools 104,061
mioul schools 25,000
lictures

President Simmons wanted \$3,000 to pay Rufus Beardslee for his services as legal adviser of the toard. He said Mr. Beardsiee had acted in this capa-city since 1884, and that he was indispensable. Mayor Grant replied that Corporation Counsel Clark was employed to do this kind of work, and refused to agree to a salary for Mr. Beardsiee. Mr. Simmons said that the Corporation Counsel would not attend to the kind of law business which the Board depended upon Mr. Beardsiee for. "If these duties you speak of properly belong to the Law Department," replied the Mayor, "and Mr. Clark refuses to attend to them you prefer charges against him and I will entertain them."

The Mayor ordered that Mr. Clark be sent for, but The Mayor ordered that Mr. Clark be sent for, but before the messenger could start Mr. Simmons discovered that he had no cause for complaint, so far as the Corporation Counsel's office was concerned. The allowance for Mr. Reardslee was stricken out. The sum of \$115,500 was agreed to for the Normal College, and \$146,500 for the College of the City of New York. These items are the same as they appeared in the budget of 1889.

The Police Board's estimates will pass in review today, and those of the Sheriff, the District Attorney and the Compulsioners of Accounts will follow.

WAS HE SELLING SKIMMED MILKY

THE JURY LEANED TO THE MORE LIBERAL

SYSTEM OF TESTING IT.

Henry W. Houston, a milk-dealer at No. 57 Sixthve., was tried yesterday before Judge Cowing on a harge of violating the regulations of the Board of Health. An inspector of the Board stopped one of Houston's wagons, driven by Charles Thompson, at Second-ave, and Thirty-first-st., early on the morning of June 6, and examined several cans of milk. He found one which contained milk which he believed had been skimmed. He took a sample of it and had it examined by Dr. John E. Allen, the chemist employed by the Board of Health. Dr. Allen testified on the trial that he analyzed the milk according to the Wanklin-Waller method, and found that it contained 2.64 per cent of fat. The Health Board regulations require that milk shall contain at least 3 per cent of fat. A less proportion is taken as indicating that the milk has been skimmed. The milk had not been watered and was not unwholesome.

Charles Thompson, the driver, testified that he took some milk out of the same can as that from which the inspector had taken a sample. Dr. Edward G. Love, a chemist who has been employed by the United States Government and the State Dairy Commission, testified that he had examined the milk which Thompson said had been taken from the sus-pected can. He used the Adams method of analysis and found it to contain 3.08 per cent of fat. He said that the State Diary Commissioners, who also examined milk for impurities, had rejected the Wanklin-Waller method, used by the New York Health Roard, and preferred the Adams method, as more accurate. The jury acquitted Houston. One of the jurys remarked that the various Boards would do well to unite on some method, so that it would be possible for a jury to have some basis from which to judge whether the law had been violated.

PROPERTY OWNERS DEFEATED.

DECISION IN ELEVATED ROAD CASES.

JUDGE ANDREWS OVERRULES ALL OBJECTIONS

TO APPOINTING COMMISSIONS. Judge Andrews handed down his decision in the elevated railroad cases yesterday and overruled the objections of the property-owners to appointing com-missions for instituting condemnation proceedings. Following is the opinion in full:

With one possible exception, every preliminary objection raised in these proceedings has been heretofor raised in similar proceedings instituted by the present potitioners, and, after full argument and consideration, has been overruled by Mr. Justice Barrett, Mr. Justice O'Brien or myself. Most of such objections have been overruled by both of these Justices as well as by me. These decisions have never been reversed or modified, and they must be regarded as the law applicable to these matters. The greeption referred to is the objection that the inability of the petitioners to acquire title is averred on information and belief.

This objection was raised before Mr. Justice O'Brien,

and as he appointed commissioners of appruisal he must have overruled it, although it is not referred to in his opinion. However, even if the objection should be treated as a new one, I do not think it well founded. All that is stated in the statute on this point is that the petition shall be signed and verified according to the

rules and practice of the court, and there is no rule of the court, now in force, prescribing how petitions of this character, or of any other character, shall be verified. The usual practice of the court is, when a petition is to take the place of an affidavit, and is to be used as proof of the facts therein stated, to require that the matter should be stated upon the personal knowledge of the petitioner; though even in such cases statements made upon information and belief are received as a basis for judicial action, provided the petitioner states the sources of his information and the grounds of his be-

In many cases, however, a petition merely takes th place of a pleading, and in such cases it is the constant and uniform practice for the court to receive, and act upon petitions in which many of the material ellegations are made upon information and belief.

In my opinion, the petition, upon applications like the present, is to be treated as a pleading, and whether the provisions of the code in relation to pleadings do or do not apply, it is sufficient if the allegations are made upon information and belief. If any other rule should prevail, it is evident that reliroad corporations would find it almost impossible to ever present such applications

The statute declares that the petition must be signed and verified. The corporation can sign and verify only through its officers or agents. The statute prescribes what the petition shall contain, and from the very nature of the case it would seldom happen that any officer or agent of the corporation could have personal knowledge of all the facts which must be stated in the petition. This is especially true of the allegations of the inability of the corporation to acquire title to the real escate which it seeks to condemn. All the preliminary objections will be overruled, and the court will hear the proofs and allegations of the parties on Tuesday, October 29, at 3 The statute declares that the petition must be signed legations of the parties on Tuesday, October 29, at o'clock in the afternoon

The case will be up again to-morrow to determine several other questions raised by the property-owners

DAMAGES FOR BEING STRUCK BY A POLICEMAN. Herman Pollenz recovered a verdlet of \$526 from a jury before Judge McGowen in the City Court yesterday against Officer George Barmstoff of the police force. Pollenz was standing in front of his eigarpacking establishment, near Ninetieth-st., while a strike was in progress on the Second-ave. railroad, and the officer ordered him to move on. He did not move quickly enough and the policeman hit him with his club driving one of his teeth down his throat Pollenz brought a suit which was tried before a sheriff's jury and recovered a verdict for \$100 by default, Earmstoff not appearing to defend the suit. He appealed and asked to have the judgment opened, and moved for a new trial, the motion being granted with the result appeal. and moved for a new with the result named.

BITS OF LEGAL NEWS. Judge Andrews, in the Supreme Court, yesterday granted a temporary injunction restraining William Sherer, as grand commander of the Grand Council of New-York of the American Legion of Honor, from revol ing or in any manner interfering with the charter of their rights and privileges. The injunction was grants on the petition of Andreas Jansan as commissioner

Articles of incorporation of the Bottlers and Manu Articles of incorporation of the Bottlers and Manufacturers' Association have been filed in the County Clerk's office. The corporators and trustees are Horatio S. Harris, John Bolen. Jacob Lebkuchner, Ferdinand Neumer, Walter Gubner, James A. Cosse, Walter G. Boyer, Albert Ludorff, Louis Muzzinger, Charles Lebing, Christopher D. Rehm and George Graw, of New-York, and Anton Manuel and William F. Hollwedell, of Brooklyn. The articles of incorporation are to take effect to day and continue for fifty years. fect to-day and continue for fifty years.

"I am willing to allow for the increase in the number of teachers made necessary by the enlarged number of pupils under instruction, but I am not in favor of paying higher salaries at this time." Controller Myers did not believe in cutting under the estimate of the School Board. President Celeman, of the Tax Department, said: "I am perfectly willing to vote every dollar necessary for the proper instruction of the children of this city, or for new school houses, but I am not willing to see money wasted. When year after year we appropriate sums for special purposes which cannot be used under the law, and have to be covered back into the treasury, I object. We must

which cannot be used under the law, and have to be covered back into the treasury, I object. We must keep the appropriation within the needed limit."

After some further discussion \$3,000,000 was agreed upon for teachers' salaries. The other items were as follows, compared with last year:

1889. 1890.

Janiters' salaries \$146,600 \$144,542 \$190,000 \$130,000 \$100 made that Mrs. Dennison was an invalid. Judge Andrews in Supreme Court, Chambers, yesterday, revoked the order upon tearning that Mrs. Dennison was in good health. Henry Collins and Edward J. Farrell (Collins & Farrell) and John C. Rogers and Edward J. Farrell (Rogers & Farrell) secured a temporary injunction from Judge Andrews in the Supreme Court yesterday restraining Clark & O'Brien from interfering with them in the performance of the work which they are under contract to perform for the defendants.

The Sherill's sale of the property of the Electric Time Company at No. 45 Cortiandist, yesterday was postponed unail Thursday. The execution in the hands of the Sherill is for \$6,922, in favor of J. B. Shehan. The company was incorporated in May, 1885, with a capital stock of \$500,000, William P. Shinn being the president, and among those interested at the stort were Wallace C. Andrews,

J. H. G. Baker and Royal C. Peabody, The schedules of Bude ph Pagenstecher, exporter, at

No. 18 Beaver-st., show limbilities, \$45,000; nominal assets, \$227,070; actual assets, \$15,007.
The schedules of Aviles Brothers, dealers in lumber, at No. 38) South-st., show limbilities, \$11,172; nominal

ussets, \$5,787; actual ussets, \$4,137.

THE COURT OF APPEALS.

Albany, N. Y., Oct. 28 -In the Court of Appeals to-day of following causes were argued:

Mory L. Grant and another, by guardian, etc., re-ondents, against Jane S. Keater and another, as executurs, appellants.

John G. Heald, respondent, against Robert W. Mc-Gowan, appellint. Charles F. Brown, as administrator, respondent, against Simeon Klock, appellant.

In re will of Louisa M. Ramsdell, submitted.

Day calendar for Tuesday: Nos. 72, 98, 534, 79, 65, 9, 10, 93.

In the Second Division the following causes were ar-Solomon Schell, respondent, against Hiram Benedict and other, appellants. Withelmine Schell, executrix, etc., battuted as plaintiff and respondent, in place of Solomon hell, deceased.

substituted as plantas.

Schell, deccased.

John Flynn and others, commissioners, etc., re-pordents, against Albert J. Hurd, commissioner, etc., appellant.

John Flynn and others, commissioners, etc., respondents, against Thomas F. Cornell, commissioner, etc. (Mr. David Whipple, commissioner, etc.) appellant.

Argued with the ipple, commissioner, etc.) appellant. Argued with the ceding case. Henry Maurer, respondent, against Charles H. Bliss. appellant. Day colendar for Tuesday: Nos. 583, 587, 588, 533, 526, 570, 577, 589.

DECISIONS BY THE SUPREME COURT. Washington, Oct. 28.-The Supreme Court of the United States to-day rendered an opinion in the case of Robert F. Campbell, plaintiff in error, agt. Samuel H. Wade, in error to the Supreme Court of the State of Texas. The latter court decided against Campbell, and the United States Supreme Court affirms that judgment. The following decisions also were handed down:

The following decisions also were handed down:

No. 32—Georgé 77. Dent, et al, appellants, agt. Isnae
A. Ferguson, et al. Decree reversed, with costs; and
cause remanded, with a direction to dissillss the bill, with
costs.

No. 15—William H. Robertson, late Collector, etc.,
plaintiff in error, agt. the Frank Brothers' Company,
Judgment affirmed, with costs and interest.

No. 75—L. N. Young, et al, appellants, agt. E. B.
Knight, administrator, etc. Motion for writ of certiforari
granted, and the question of costs reserved to the
hearing.

# FREIGHTS.

ortment of FINE FURNITURE, select nevelties that cannot be had at home, and at prices much below the

ability of retail storekeepers. While we are pleased to have our artistic productions admired at great distances, as well as near by, a regard for our city customers compels us to only include in the plainly-marked price on each article the cost of delivery, and leave the buyer, whose goods must go by rail

barges beyond our own trucks.

or thousands of miles, compels.

or bont, to pay such charges as his distance, be it for

OUR PRICES ARE ALSO TOO LOW FOR SALES ON

## GEO. C. FLINT CO.,

104, 106 AND 108 WEST 14TH-ST.

Paris Exposition, 1889: PUREST, HEALTHIEST, BEST Ask for Yellow Wrapper. BRANCH HOUSE, UNION SQUARE, NEW YORK.

## J. CURLEY.

State-st., corner Boerum Place, Brooklyn. ESTABLISHED 1863

Fine Pleasure Carriages of every description. Exhibits of Novelties for Fall and Winter are now open. Inspection solicited.

#### Mercurial Rheumatism.

Mr. J. C. Jones; city marshal of Fulton, Arkansas, rites: "About ten years ago I contracted a severe case of blood poison. The leading physicians of the city were called in, and they prescribed medicine after medicine, which I took without affording me any relief. I also tried which I took without affording me any relief. I also tried mercurial and potash remedies, with the same unsuccessful result, but which brought on an attack of mercurial rheumatism that made my life one of untold agony. After suffering for four years, I gave up all former remedies and commenced taking Swift's Specific (S. S. S.) After taking several bottles, I was entirely cured and able to resume work. I consider Swift's Specific (S. S. S.) the greatest melivine for blood poisoning to-day on the market."

## Inherited Scrofula.

Swift's Specific (S. S. S.) cared my little boy of hered recovery, when at length I was induced to use S. S. After using a few bottles he was entirely cured. Not a symptom now remains of the disease. This was three years ago. Mrs. T. L. MATHER, Matherville, Mass. Treatise on Blood and Skin Diseases mailed free. SWIFT SPECIFIC CO., Atlanta, Ga

W. W. PALEN & CO., LEONARD BROTHERS, 290 FIFTH AVE. F. A. Leonard, Auctioneer ANTIQUE & MODERN FURNITURE. SUPERB ORIENTAL RUGS AND CARPETS.

Personally selected by the present own and the condition their great variety, artistic beauty and fine condition. CHINA, GLASS, BRONZES, ETCHINGS, PAINT-INGS, &c. PRIVATE RE-IDENCE.

This sale will include a number of pieces of genuine old Mahogany Furniture of great beauty and variety, and farsuperfor to anything ever offered in this city. Old Ormoly Candelabras, known to have been once the prop-

GENERAL LAFAYETTE. ELAHOR ATELY CARVED OAK FURNITURE.
Now on exhibition and will be sold on
THURSDAY, OCTOBER 31,
AND
FRIDAY, NOVEMBER 1,
AT 2:30 EACH DAY.

" Paine's Celery Compound cured me of insanity."

RICHARD D. YOUNG, 100 William-st., N. Y.

error, agt. Allen, West & Bush; and No. 45-Brown, Brothers & Co., plaintiff in error, agt. Allen, West & Bush. Judgment reversed and causes remanded, with directions to remand the cause to the State court.

No. 1,212-Knox County, Mo., appellant, agt. George W. Harshman. Motion for superseders denied.

No. 360-The Lamson Cash Railway Company, appellant, agt. Joseph C. Martin, et al. Dismissed with costs. A motion was made to advance the case of Cunningham,

sheriff, against Nagle. This case arises out of the shooting of Judge Terry, in California, by Deputy Marshal Nagle. A motion was also made to advance the case of the people of the State of California against the San Pablo and Tulare Railroad Company. This suit arises out of the assessment of the property of the railroad at its full cash value, without deducting the value of any mortgages on the road, as is done in the case of other than railroad

bench the case of the State of Minnesota agt. Henry E. Barber. The point involved is the constitutionality of the State law providing for the inspection of all cattle b-fore slaughter, and making it lilegal to sell dressed meat that has not been inspected before slaughter.

COURT CALENDARS FOR TO-DAY.

Supreme Court-Chambers-Before Andrews, J.-Motion calendar, Nos. 1 to -, called at 11 o'clock.

Supreme Court-General Term-Betore Continued.

Supreme Court-Special Term-Betore Open J.-Mos. 214, 245, 19, 235, 241, 304, 173, 205, 206, 105, 195, 203, 215, 223, 24, 25, 240, 246, 44, 232,

Supreme Court-Special Term-Part II.—Before Lawrence, J.-Case on, Rollschild atx. Moss. No calendar, Supreme Court-Circuit-Part II.—No calendar.

Supreme Court-Circuit-Part II.—No calendar.

Supreme Court-Circuit-Part III.—Refore Ingraham, J.-Nos. 1819, 1210, 1174, 1210, 1222, 1228, 1238, 736, 459, 1308, 1238, 1304, 174, 1210, 1222, 1228, 1238, 736, 459, 1308, 1238, 1238, 124, 259, 240, 242, 383, 1061, 1133, 631, 568, Surregate's Court-Before Ransom. S.-Wills of Agnes It. Jones, 10 a. m., Catharine Cilic. 10, 360 a. m. estate of Jane E. Keleman, 10, 130 a. m. For probate: Wills of Catharline Wenrel, 16a Jackson, Jacob Binnanger, Mary F. Jones, Mary C. Le Rey, Catharine Williams and M. H. Schwart baum, 10 a. m.; John Byrne, Jacob Kirchner and B. F. Chane, 10, 30 a. m. Superior Court-Equity Term-Before Truax, J.-Case

Stperfor Court-Equity Term-Before Truax, J.-Case COURT CALENDARS FOR TO-DAY.

tions.
St perfor Court-Equity Term-Before Truax, J.-Case on, No. St.

on, No. SI.

Superior Court-Trial Term-Parts I, II and III., adjourned for the term.

Common Pleas-Special Term-Before Allen, J.-Nos.

9, 12, 17, tommon Pieas-Equity Term-Before Daly, J.-No. 18, Common Pieas-Trial Term-Part I. - Before Larramora, C. J.-Case on, Sweeney agt. Third Avenue Railroad Co. No calcular, Common Preas-Trial Term-Part II. - Before Bookstaver, Common 129as-Trial Term-Part II. - Before Bookstaver, 1-Nos. 1243, 1239, 1534, 1451, 1538, 2000, 1440, 1367, 1645, 1603, 1579, 1445, 908, 1297, 1541.
City Court-G-neral Term-Adjourned for the term, City Court-G-neral Term-Before McAdam, C. J.-Montons, 1988, 1988, 1989, 1

tions.
City Court-Trial Term-Parts I. II. III and IV.-Adajourned for the term.
Court of General Sessions-Part L.-Before Martins. J. and Assistant District-Attorney Jerome.-Nos. 1 to 29, inclusive. Court of General Sessions-Part II. Before Smyth. R., and Assistant District Attorney Macdona. Nos. 1 to 9, inclusive.

Court of General Sessions-Part III. Before Cowing J., Court of General Sessions-Part III. Before Cowing J., and Assistant District Attorney Forsier. Nos. 1 to 10, inclusive. STUDENTS ORDAINED CATHOLIC PRIESTS.

and found it to contain 3.08 per cent of fat. He said that the State Diary Commissioners, who also examined milk for impurities, had rejected the Wankling Waller method, used by the New-York Health Board, and preferred the Adams method, as more accurate. The jury acquitted Houston. One of the jurors remarked that the various Boards would do well to unite on some method, so that it would be possible for a jury to have some basis from which to judge whether the law had been violated.

No. 808-William Dunian, et al. appellants, age. The Texas and Pactice Railway Company, et al. Notion for leave to file petition for writ of mandamus denied.

No. 808-William Dunian, et al. appellants, age. The Texas and Pactice Railway Company, et al. Notion for leave to file petition for writ of mandamus denied.

No. 808-William Dunian, et al. appellants, age. The Texas and Pactice Railway Company, et al. Notion for leave to file petition for writ of mandamus denied.

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No. 808-William Dunian, et al. appellants, age. The Texas and Pactice Railway Company, et al. Notion for leave to file petition for writ of mandamus denied.

No. 808-William Dunian, et al. Author of Carles of Carle